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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

: **Mail Stop: ISSUE FEE**

Hideaki FUKUSHIMA et al.

: **Confirmation No. 7533**

Serial No. 10/601,706

: [Group Art Unit 2133]

Filed June 24, 2003

: Examiner Cynthia H. Britt]

DATA TRANSMISSION METHOD AND
DATA TRANSMISSION APPARATUS

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment dated November 12, 2004, Applicants contend that the application is not in fact abandoned and request withdrawal of the holding of abandonment for the following reasons.

On September 17, 2004, Applicants prepared and filed a Fee Transmittal PTOL-85. A copy of the Fee Transmittal is enclosed herewith. Item 4a of the Fee Transmittal indicates that the Issue Fee and Publication Fee were enclosed. Item 4b indicates that a check in the amount of the fee(s) is enclosed. Further, the Fee Transmittal indicates thereon that the commissioner is authorized to charge any deficiency in the fee for this paper to the deposit account. Clearly, the Applicants intended to pay the required fees to permit the application to issue as a patent and to avoid abandonment of the application.

Additionally attached hereto is a copy of the date-stamped postcard indicating that the Fee Transmittal and a check in the amount of \$1330.00 was filed on September 17, 2004. It is further noted that the postcard additionally provides the commissioner with authorization "TO CHARGE ANY DEFICIENCY IN THE FEE FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975."

MPEP § 1306 clearly indicates that "where it is clear that an Applicant actually intends to pay the issue fee and required publication fee, but the proper fee payment is not made . . . a general authorization to pay fees or a specific authorization to pay the issue fee, submitted prior to the mailing of the Notice of Allowance, will be allowed to act as payment of the correct issue fee." Further, the cited portion of the MPEP indicates that "where the deposit account information is added to the fee(s) transmittal form (PTOL-85b), but the checked box authorizing the deposit account to be charged the issue fee is not checked, the deposit account will still be charged the required issue fee and any required publication fee."

In light of: item 4a on the fee transmittal form indicating that the publication fee is enclosed; the authorization to charge the deposit account for any deficiency in the fee; and MPEP § 1306, it is respectfully submitted that the publication fee should have been charged to the deposit account no. 23-0975. Therefore, it is respectfully submitted that the application is not in fact abandoned. Accordingly, Applicants respectfully request that the holding of abandonment be withdrawn.

In any event, in order to expedite proceedings, attached hereto is a check in the amount of \$300.00 for the publication fee.

In light of the above discussion, Applicants respectfully request that the holding of abandonment of the present application be withdrawn so that the application can issue.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,

Hideaki FUKUSHIMA et al.

By Thomas D. Robbins
Thomas D. Robbins
Registration No. 43,369
Attorney for Applicants

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Washington, D.C. 20006-1021
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Facsimile (202) 721-8250
November 17, 2004

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

**Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(703) 746-4000**

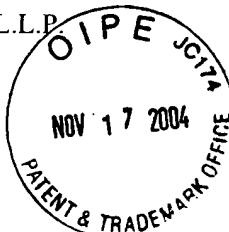
or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

000513 7590 07/23/2004

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,706	06/24/2003	Hideaki Fukushima	2003_0673	7533

TITLE OF INVENTION: DATA TRANSMISSION METHOD AND DATA TRANSMISSION APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	10/25/2004
EXAMINER	ART UNIT		CLASS-SUBCLASS		
BRITT, CYNTHIA H	2133		714-748000		

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

WENDEROTH, LIND
& PONACK, L.L.P.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Matsushita Electric Industrial, Co., Ltd.

Osaka, Japan

Please check the appropriate assignee category or categories (will not be printed on the patent); individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee

A check in the amount of the fee(s) is enclosed. Check No. _____

Publication Fee (No small entity discount permitted)

Payment by credit card. Form PTO-2038 is attached.

Advance Order - # of Copies _____

The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is not claiming SMALL ENTITY status. See, e.g., 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

(Authorized Signature) *Thomas D. Robbins* (Date)

Thomas D. Robbins, Reg. No. 43,369

September 17, 2004

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PTOL-85 (Rev. 07/04) Approved for use through 04/30/2007.

TRANSMIT THIS FORM WITH FEE(S)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT



ATTY DOCKET #: 2003_0673

Due Date: October 25, 2004

Confirmation No. 7533

OUR REF: 2003_0673/TDR/01489

Applicant: Hideaki FUKUSHIMA et al.

Serial No.: 10/601,706 Filing Date: June 24, 2003

Title: DATA TRANSMISSION METHOD AND DATA TRANSMISSION APPARATUS

Receipt of the following papers is acknowledged:

1. Issue Fee Transmittal (in duplicate)
2. Check in the amount of \$1330.00

THE COMMISSIONER IS AUTHORIZED
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FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.



Date: September 17, 2004

Attorney: TDR/jlg

[Check No. 104148]